

### Comments about HB4473 – Michigan Advocacy Project

Thank you for the opportunity to comment on HB4473. My name is Jim Schaafsma; I am the housing attorney at the Michigan Poverty Law Program which is a statewide resource for legal advocates for low income persons. I am here today on behalf of the Michigan Advocacy Project. Several of the changes that HB4473 proposes to make to Section 126 of the Housing Law of Michigan (MCL 125.526) raise troubling concerns for multifamily rental housing and its tenants that I will address by order in which the bill presents them.

- **Sec. 126(1); p. 2, line 25.** The proposed **exemption for properties subject to HUD/MSHDA inspection** is not warranted or sensible. As MSHDA itself says, its “inspection does not have to comply with local or state laws, ordinances, or codes.” (see MSHDA’s “Guidelines for Landlords”, [http://michigan.gov/mshda/0,1607,7-141-8002\\_8956-22049--,00.html](http://michigan.gov/mshda/0,1607,7-141-8002_8956-22049--,00.html)). In other words, a rental unit’s passage of a HUD/MSHDA inspection (for which we think little to no fee is assessed) does not mean that it meets local code or is necessarily a safe property. The HUD/MSHDA and local building department inspection processes are not interchangeable, were not intended to be, nor should they be.
- **Sec. 126(2); p. 3, line 19** The proposed **increase in the interval for regular, periodic inspections (to every 5 years from the existing no less than 3 years)** is simply too long and threatens the health and safety of the public and the state’s rental housing stock. Any homeowner knows that a great deal can change in the condition of a property in 2 years, the amount by which HB4473 would increase the period between mandatory regular inspections for multifamily properties. Remembering that multifamily rental property is generally subject to higher turnover, and heavier use and deterioration than owner occupied housing makes this increase very hard to justify. The additional risk of harm that a 5 year interval poses concerning older rental housing is significant. Also, as compared to their representation in the general population, low income households make up a higher proportion of multifamily rental housing residents, and that income group tends to be less consumer sophisticated, and so, less knowledgeable about their rights as tenants, including the right to request an inspection of a rental unit.)
- **Sec. 126(3); p. 4, line 7** The **30 day minimum period (without exception) between an initial inspection and a reinspection** necessary because of code violations, ignores the requirements of emergency situations, and heightens the ongoing risk to resident and public health and safety that a severely deficient or unsafe property presents.
- **Sect. 126(4); p. 4, line 9** The standard for **“a high incidence of recurrent or uncorrected violations”** is too high, especially in view of the definition of “violation” (see **Sec. 126(15)(D); p. 7, line 11** - multiple violations of 1 provision of the Act or a local code “are considered 1 violation”). Under this combined standard, it could easily be the case that a multiple dwelling where every unit has code violations exceeding several multiples of 12 would not be found to “have a high incidence of recurrent or uncorrected violations.”
- Generally speaking, this bill does not promote the health and safety of tenants (especially low income ones) or rental housing, and intrudes too heavily on the necessary exercise of discretion and judgment that local building departments are best situated to make, not to mention severely hampering their ability to fund their operations.